

Commencement Address at Berkeley Law School
Prepared Remarks of United States Attorney Preet Bharara
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Dean Choudhry, distinguished faculty, proud parents, family, friends, and graduates. Congratulations to the Class of 2015. You have so much to be proud of and so much to be grateful for.

I want to make just one basic point this morning.

And it's this: you are joining a profession – much maligned and often misunderstood – that presents virtually infinite possibilities: infinite possibilities to grow, to learn, to achieve.

But not only that. The law also presents infinite possibilities to do good, to help other people, to serve.

There are so many ways, as a lawyer, not just to make a living, but also to make a difference.

On a day like this, the air is thick with expectation – expectation of what kind of mark you graduates will make on the world. But if we are being honest, there is also, inevitably, some trepidation too. And not just when you think about your student loans. . .

Did I make the right choice? Is this the right career? What if I'm not good in the courtroom? What if I don't like billing in six minute increments? These are all natural worries.

So let me start by offering a mildly radical suggestion.

Promise yourself today that if you are not happy in your first law job – after giving it a genuine chance with genuine effort and a genuinely open mind – move on. Quit. And do that for every job you ever hold.

If you don't like your job because of the people or the politics or the hours or the work – you can leave.

You have worked too hard and invested too much to accept a long sentence in a job you hate. I have seen too many people unhappy in a law job because they stayed too long, because they let inertia overwhelm their free will.

Now, I am not generally an advocate for being a quitter. But I am an advocate for being happy in your job. I believe you should grow and mature and learn and derive joy – yes, joy – from your work as a lawyer.

And one reason I can so blithely suggest you quit if you don't like your job is that a J.D. confers more mobility than just about any other professional degree.

If it turns out that you don't like the first conventional legal path you wander down, you can actually double back – and then take the path less traveled by.

If you go to a law firm and don't like it, you can go in-house.

If you don't like private practice, you can do public service.

If you don't like transactional work, you can jump to litigation. And vice-versa.

Do what makes you happy. Do what brings you joy.

In fact, here's a newsflash: ultimately, you don't even have to practice law at all, if you don't like it.

Okay, so now at this point, I'm sure some parents are like: what the hell is Preet talking about? We just paid \$160,000 for this education. Whacha mean, don't practice law?

Now, before you start throwing things at me, let me tell a quick story – my own parents actually went through that. Obviously not with me, but with my brother, Vinnie. Yes, Vinnie – somehow I have an Italian brother.

My brother was a trained lawyer but after a time was bitten by the business bug – he felt the pull towards becoming an entrepreneur. And so, he left the law.

His first dot.com business didn't do so well, but he recovered.

Then, in 2005, he started another e-commerce venture with his best friend from high school, this time selling – of all things – diapers.

So, basically, my brother went from being a Harlan Fiske Stone Scholar at Columbia Law School to selling diapers on the Internet, under the slogan – and this is true – "We're number one. . . in number two."

Ah, you laugh. My brother laughed too. Especially on the day that he sold his diaper company to Amazon for \$540 million.

Yes, my brother is now what plaintiffs' lawyers call "a deep pocket."

My brother, by the way, is a competitive guy – so this was also his way of saying, "Hey, bro. I see your whole U.S. Attorney thing. And I raise you . . . \$540 million."

But here's the thing. My brother would be the first to tell you that he owes a large part of his success to his legal training and his time in law practice. It sharpened his mind, taught him rigor, and forged his work ethic.

So you can do anything you want with your law degree.

You can be a grade school teacher, a CEO, a journalist, a community organizer, a venture capitalist, a TV producer, a sitcom writer, a novelist, a restaurateur. That may sound far-fetched, but I have law graduate friends who have done each one of those things. And even among this group – which left the profession altogether – each credits law school and lawyering with a good chunk of their success.

But, notwithstanding all the choices you will ultimately have, I do fervently hope that you keep faith with the law, that you keep on the legal path.

Why? Because there are so many people yet to serve. There are so many causes yet to champion. There is so much justice yet to achieve.

And who better to achieve it than you? Why?

Because the power of your degree gives you a degree of power that few possess, fewer know how to use, and fewer still know how to put to good purpose.

You will have opportunities to improve your community and country that others can only dream of.

That is something to behold. Especially at this moment of just starting out, at this moment of . . . commencement.

Here's an observation:

With Silicon Valley just a stone's throw away, this University is one of the top feeders to that tech and startup mecca. Some of you may even follow in the footsteps of Berkeley alum Larry Sonsini and counsel the great Bay Area entrepreneurs of our time.

And so it does occur to me that each of you is in some ways like an individual mini-startup – you have yet to turn a penny of profit, but you really really swear that you will have income soon; you don't even have a business license yet, but you claim to have a plan; you haven't yet provided any substantial good or service, but you are said to have much promise.

And like any startup worth its salt, you are celebrating with an over-the-top public launch – in this case, a gigantic outdoor Greek Theater.

But, perhaps most importantly, you are surrounded by deeply-supportive investors who believe in you and will trumpet to everyone they know that you will succeed.

Let me pause on this silly analogy for just a second longer.

There are reasons for America's enchantment with the tech and startup culture and it does not, I think, have to do only with the gargantuan profit potential, though there is much of that. See, e.g., Vinnie.

I think it has to do, also, with the spirit of unbridled optimism and daring, the spirit of energy and passion.

It has to do, also, with the faith in possibility, attraction to the pioneering spirit.

Never mind that most new ventures fail – each Silicon Valley success story can be seen as another example of the enduring notion of the American dream. And that is something special.

And I often wish we had more of that optimistic and visionary spirit in our legal community and in our legal and governmental institutions.

Because the law needs risk-takers too;

The law needs entrepreneurs too;

The law needs dreamers too.

And, no matter what you decide to do in the law, I hope you find a way to inject some of that spirit.

Because an idealistic lawyer can not only achieve the American dream, but open up that dream to other people also – to the disenfranchised, the downtrodden, the discriminated against.

You know, it is certainly impressive when someone figures out how to deliver advanced technology to your wrist.

But what about when someone figures out how to deliver justice to your life?

A driverless car? Well that seems downright magical.

But don't ever underestimate the promise of your own profession, the still-noble profession you embark upon today.

Because the law – if practiced with hope and idealism – can lift people up and inspire wonder too.

The law – if wielded well – can work a type of magic too.

You think the iPhone is elegant? You think a Tesla is beautiful?

What about the truth inherent in the argument that separate but equal is inherently unequal?

What about the argument that seeks to give every American the right to marry whoever he or she loves?

What is more elegant and more beautiful than that?

Your commencement speakers last year were David Boies and Ted Olson. They and so many others who have fought legal battles for equality have arguably done

as much to bring us into the modern era as any technology pioneer ever spawned by Silicon Valley.

And so the law has pioneers too. But we need more. More pioneers for justice, pioneers for equality, pioneers for fairness. And I hope you find ways to add yourselves to their ranks.

Now to do that, you must also from time to time:

- Embrace risk
- Think different
- Think big

And there is no one in a better position than you to make a difference. There is no one better situated to preserve liberty, promote equality, and prevent cruelty than the person who is genuinely dedicated to becoming both a master and a servant of the law.

And sometimes all it takes is one person.

One lawyer, armed with courage and a well-drafted complaint, can bring a misbehaving industry to its knees.

One lawyer, armed with a searching mind and an obsession for truth, can right a wrong.

One lawyer, armed with an idea and a vision for justice, can plant the seeds for a long-lasting movement for reform.

And one lawyer – motivated by conscience, guided by principle, and empowered by training – can set an example for a generation of future lawyers.

The thing to remember always is this:

The law can have great force, but it needs an assist from human beings who are prepared to act.

The law is not self-executing; it is not self-actualizing; Google may be developing a driverless car; but there will never be – and can never be – a lawyerless legal system. And that is as it should be.

A business plan is in the execution; a joke is in the telling; a sheet of music is in the playing; and so it is with a system of laws.

Some cynics may think that what I suggested a moment ago – that “even one person can make a difference” – is just overblown rhetoric; that it is just commencement cliché.

I assure you – it is not. It’s the truth. And it happens all the time, in ways big and small.

I want to leave you with a story. It’s about a woman named Cathy Watkins. She was arrested on February 16, 1995, for the murder of a livery cab driver in the Bronx, New York. She was convicted by the local DA’s office, along with several others.

She got 25 years to life.

But here’s the thing – Cathy Watkins hadn’t committed the crime. Cathy Watkins was innocent. She had always proclaimed her innocence, but no one had ever believed her.

No one believed her, that is, until in 2012, an investigator in my office, John O’Malley, happened to come across evidence that cast doubt on her conviction. He was one person, and what a difference he made.

There is no radio serial or HBO special about John O’Malley or about this case. But he quietly took on the task of re-investigating that murder. He didn’t have to. It wasn’t his case, and he had a thousand things on his plate already.

But he studied the facts; he read the trial transcript; and he interviewed new witnesses.

And on the strength of this re-investigation, backed up by prosecutors from my office, Cathy Watkins was released from prison in 2012, and her conviction formally vacated by a judge. Seventeen years later, she was finally free.

And so, one person CAN make a difference. But there is even another lesson to this story – the power of hope and possibility.

You see, Cathy Watkins – even though she did not belong there – had chosen to rise, rather than rot, in prison.

She had taken classes as an inmate through Marymount Manhattan College. But she could take only a few per semester, so it took her 11 years to get a bachelor's degree in sociology. But she got it.

She had done so well that she was named the class speaker at the ripe old age of 41. And, in 2009, she attended her own graduation ceremony, behind prison walls, addressing fellow graduates who all wore prison garb under their gowns.

And would you believe it if I told you that this wrongly convicted woman, this wrongly imprisoned woman – after 14 years of seeing every plea of innocence fall on deaf ears, and fully three years before she had any hope of release – that she delivered that day a message of optimism and possibility and hope?

Do you know what she said? “Even though these walls can restrict our physical movement, they cannot restrict our imagination, nor our connection to the outside world.”

You know what else she said? “One person can make a difference. Let that difference start with you.”

Three years later, a stranger named John O'Malley proved her right.

So, I say to the Class of 2015: Don't let anyone ever tell you that you can't dream; that you can't hope; that you can't change the world.

Don't take it from me. Take it from Cathy Watkins.

One person can make a difference. Let that difference start with you.

Thank you.